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ATTORNEYS FOR DEFENDANTS

DAVID J. SALINGER, M.D. and KEYSTONE

ONCOLOGY, LLC

AMANDA BARGE and ARTHUR BARGE
Plaintiffs

v.

DAVID J. SALINGER, M.D., WILLIAM
YING, PH.D., KEYSTONE ONCOLOGY,
LLC, COMPREHENSIVE PHYSICS AND
REGULATORY SERVICES, LTD. and
EQUIMED, INCORPORATED
Defendants

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF
PENNSYLVANIA

NO. 1:CV-00-1881

CIVIL ACTION – LAW

JUDGE CONNER

JURY TRIAL DEMANDED

FILED
HARRISBURG

APR 24 2003

MARY E. D'ANDREA, CLERK
Per *[Signature]*
Deputy Clerk

DEFENDANT, DAVID J. SALINGER, M.D. AND KEYSTONE ONCOLOGY, LLC'S
SUPPLEMENTAL PROPOSED POINTS FOR CHARGE

Defendants, David J. Salinger, M.D. and Keystone Oncology, LLC, respectfully supplements its proposed points for charge filed with this Honorable Court on February 19, 2003, (which Proposed Points for Charge are incorporated by reference) and requests that this Court instruct the jury on the following additional points of law as they are applicable under the doctrine of law established in Erie Railroad v. Tompkins, 304 U.S. 64, *cert denied*, 305 U.S. 639 (1938), regarding the application of the forum state's substantive law and are set forth in the Pennsylvania Suggested Standard Civil Jury Instructions, modified to reflect the fact specific circumstances of this case:

1. Comparative Negligence And Apportionment Among Joint Tortfeasors – Pa. S.S.J.I. – 3.03A;
2. Conflicting Testimony; Pa. S.S.J.I. - 5.40

Respectfully submitted,

McKissock & Hoffman, P.C.

By: 

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*Attorneys for Defendants,
David J. Salinger, M.D. and
Keystone Oncology, LLC*

Date: *April 24, 2003*

CERTIFICATE OF SERVICE


I hereby certify that I am this day serving a copy of the foregoing **Supplemental Proposed Points for Charge Submitted By David J. Salinger, M.D. And Keystone Oncology, LLC** upon the person(s) and in the manner indicated below, which service satisfies the requirements of FRCP 5(b), by hand delivering a copy of same addressed as follows:

Richard Oare, Esquire
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Dated: April 24, 2003